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Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

MARGARITO T. LOPEZ individually and
as successor in interest to Margarito E.
Lopez, Deceased; SONIA TORRES, KENI
LOPEZ, and ROSY LOPEZ, individually,

Plaintiffs,

vs.

CITY OF LOS ANGELES; JOSE
ZAVALA; JULIO QUINTANILLA; and
DOES 1-10, inclusive,

Defendants.

Case No.: 2:22-cv-07534-FLA-MAAx
Hon. Judge Fernando L. Aenlle-Rocha,
Hon. Mag. Maria A. Audero

COMPETING VERDICT FORMS

FPTC: May 31, 2024
Trial: July 16, 2024

1 **TO THE HONORABLE COURT AND TO ALL PARTIES HEREIN:**

2 **PLEASE TAKE NOTICE THAT** the parties hereby submit their
3 [Proposed] Competing Special Verdict Forms. The parties reserve their right to
4 amend their [Proposed] Special Verdict Forms to the extent permitted by this
5 Honorable Court.

6 Plaintiffs object to the entirety of Defendants' proposed special verdict form,
7 on the grounds detailed herein and within Plaintiffs' Memorandum of Contentions
8 of Fact and Law, Plaintiffs' portions of the Pre-Trial Conference Order, and
9 Plaintiffs' positions stated in the disputed jury instructions. Plaintiffs reserve their
10 right to assert further objections based on the Court's pretrial rulings and any
11 arguments made during the pretrial conference in this matter. Plaintiffs submit that
12 their proposed special verdict form accurately and objectively tracks the required
13 legal elements for their claims.
14

15 Defendants likewise object to the entirety of Plaintiffs' proposed special
16 verdict form and offer their proposed special verdict form herein, and which
17 accurately and objectively tracks the required legal elements for the claims being
18 asserted against them.

19 Respectfully submitted,

20 DATED: May 17, 2024

LAW OFFICES OF DALE K. GALIPO

21
22 By /s/ Renee V. Masongsong

23 Dale K. Galipo

24 Renee V. Masongsong

25 Shannon J. Leap

26 *Attorneys for Plaintiffs*
27
28

Date: May 17, 2024

STONE BUSAILAH, LLP

By: /s/ Muna Busailah
MUNA BUSAILAH, Esq.
Attorney for Defendants JOSE ZAVALA,
JULIO QUINTANILLA

PLAINTIFFS' PROPOSED SPECIAL VERDICT FORM

We the jury in the above-entitled case find as follows:

EXCESSIVE FORCE AND BATTERY CLAIM

QUESTION 1: Did any of the officer defendants use excessive and/or unreasonable force against Margarito E. Lopez?

Jose Zavala _____ YES _____ NO

Julio Quintanilla _____ YES _____ NO

If you gave any "Yes" answers to Question 1, please answer Question 2.
If you did not give any "Yes" answers to Question 1, please proceed to Question 3.

QUESTION 2: Was the use of excessive and/or unreasonable force by any of the following officers a cause of harm, damage, injury, loss, or death to Margarito Lopez?

Jose Zavala _____ YES _____ NO

Julio Quintanilla _____ YES _____ NO

Please proceed to Question 3.

FOURTEENTH AMENDMENT CLAIM

QUESTION 3: Did any of the officer defendants interfere with Plaintiff Margarito T. Lopez's familial relationship with his son, Margarito Lopez?

Jose Zavala _____ YES _____ NO

Julio Quintanilla _____ YES _____ NO

Please proceed to the next Question.

NEGLIGENCE CLAIM

QUESTION 4: Were any of the officer defendants negligent toward Margarito Lopez?

Jose Zavala _____ YES _____ NO

Julio Quintanilla _____ YES _____ NO

If you gave any "yes" answers to Question 4, please proceed to Question 5. If you answered "no" to Question 4 as to both defendants, please proceed to Question 9.

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QUESTION 5: Was the negligence of any of the defendant officers a cause of injury and/or death to Margarito Lopez?

Jose Zavala _____ YES _____ NO

Julio Quintanilla _____ YES _____ NO

If you gave any “yes” answers to Question 5, please proceed to Question 6. If you answered “no” to Question 5 as to both defendants, please proceed to Question 9.

QUESTION 6: Was Margarito Lopez negligent?

_____ YES _____ NO

If you answered “Yes” to Question 6, please answer Question 7.

If you answered “No” to Question 6, please proceed to Question 9.

QUESTION 7: Was Margarito Lopez’s negligence a cause of his injury and/or death?

_____ YES _____ NO

If you answered “Yes” to Question 7, please answer Question 8. If you answered “No” to Question 7, please proceed to Question 9.

QUESTION 8: What percentage of negligence that was a cause of Margarito Lopez's death do you assign to the officer defendants, and what percentage of negligence that was a cause of Margarito Lopez's injury and/or death do you assign to Margarito Lopez, if any? (Your total should equal 100%).

Jose Zavala _____ %

Julio Quintanilla _____ %

Margarito Lopez _____ %

Please proceed to the next Question.

BANE ACT CLAIM

QUESTION 9: Did any officer defendant violate the Bane Act by using force against Margarito Lopez?

Jose Zavala _____ YES _____ NO

Julio Quintanilla _____ YES _____ NO

Please proceed to the next Question.

NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS CLAIM

QUESTION 10: Did any officer defendant negligently inflict severe emotional distress on Plaintiff Margarito T. Lopez?

Jose Zavala _____ YES _____ NO

Julio Quintanilla _____ YES _____ NO

Please proceed to the next Question.

QUESTION 11: Did any officer defendant negligently inflict severe emotional distress on Plaintiff Sonia Torres?

Jose Zavala _____ YES _____ NO

Julio Quintanilla _____ YES _____ NO

Please proceed to the next Question.

QUESTION 12: Did any officer defendant negligently inflict severe emotional distress on Plaintiff Keni Lopez?

Jose Zavala _____ YES _____ NO

Julio Quintanilla _____ YES _____ NO

Please proceed to the next Question.

QUESTION 13: Did any officer defendant negligently inflict severe emotional distress on Plaintiff Rosy Lopez?

Jose Zavala _____ YES _____ NO

Julio Quintanilla _____ YES _____ NO

Please proceed to the next Question.

DAMAGES

QUESTION 14: What are Margarito E. Lopez's damages for his pre-death pain and suffering?

\$ _____

Answer Question 15 only if you answered "yes" to Questions 1 and 2.

QUESTION 15: What are Margarito E. Lopez's damages for his loss of life?

\$ _____

Please proceed to the next Question.

QUESTION 16: What are Plaintiff Margarito T. Lopez’s wrongful death damages for the loss of his son, Margarito E. Lopez?

Past wrongful death damages \$_____

Future wrongful death damages \$_____

Please proceed to the next question, but only answer Question 17 if you gave any “yes” answers to questions 10, 11, 12, or 13.

QUESTION 17: What are the Plaintiffs’ damages for their emotional distress suffered as a result of their contemporaneous awareness of Margarito Lopez’s injuries and/or death?

Sonia Torres’ past emotional distress \$_____

Sonia Torres’ future emotional distress \$_____

Keni Lopez’s past emotional distress \$_____

Keni Lopez’s future emotional distress \$_____

Rosy Lopez’s past emotional distress \$_____

Rosy Lopez’s future emotional distress \$_____

Margarito T. Lopez’s past emotional distress \$_____

Margarito T. Lopez’s future emotional distress \$_____

Please proceed to the next question

QUESTION 18: Did any officer defendant act with malice, oppression, or in reckless disregard for Margarito E. Lopez's constitutional rights?

Jose Zavala _____ YES _____ NO

Julio Quintanilla _____ YES _____ NO

Please sign and return this verdict form.

Signed: _____ Dated: _____

Jury Foreperson

DEFENDANTS' PROPOSED SPECIAL VERDICT FORM

WE, THE JURY in the above-entitled action, unanimously find as follows on the questions submitted to us:

CLAIMS BASED ON ALLEGED UNLAWFUL USE OF DEADLY FORCE

QUESTION NO. 1: Did either of the following Defendants used unlawful deadly force against Margarito Edvin Lopez in violation of his Fourth Amendment Constitutional Rights?

Answer (check "Yes" or "No") following the name of each Defendant:

OFFICER JOSE ZAVALA YES _____ NO _____

OFFICER JULIO QUINTANILLA YES _____ NO _____

If you answered "No" as to each Defendant, please proceed to Question No. 4.

If you answered "Yes" as to any Defendant, please proceed to Question No. 2.

QUESTION NO. 2: If you answered "Yes" as to any Defendant in Question No. 1, was the Defendants' conduct the cause of injury to Margarito Edvin Lopez?

Answer (check "Yes" or "No") following the name of each Defendant for whom you answered "Yes" in response to Question No. 1:

OFFICER JOSE ZAVALA YES _____ NO _____

OFFICER JULIO QUINTANILLA YES _____ NO _____

Please proceed to Question No. 3.

QUESTION NO. 3: As it relates to Plaintiffs' wrongful death battery claim under California state law, if you answered "Yes" as to any Defendant in Question No. 1, was either of the Defendant's conduct a substantial factor in causing the death of Margarito Edvin Lopez?

Answer (check "Yes" or "No") following the name of each Defendant for whom you answered "Yes" in response to Question No. 1:

OFFICER JOSE ZAVALA YES _____ NO _____

OFFICER JULIO QUINTANILLA YES _____ NO _____

Please proceed to Question No. 4.

QUESTION NO. 4: As it relates to Plaintiff's wrongful death negligence claim under California state law, if you answered "Yes" as to any Defendant in Question No. 1, was either of the Defendant's conduct a substantial factor in causing the death of Margarito Edvin Lopez?

Answer (check "Yes" or "No") following the name of each Defendant for whom you answered "Yes" in response to Question Nos. 1:

OFFICER JOSE ZAVALA YES _____ NO _____

OFFICER JULIO QUINTANILLA YES _____ NO _____

If you answered "No" as to each Defendant, please proceed to Question No. 8.

If you answered "Yes" as to any Defendant, please proceed to Question No. 5.

QUESTION NO. 5: Was Margarito Edvin Lopez negligent?

YES _____ NO _____

If you answered “No”, please proceed to Question No. 8.

If you answered “Yes”, please proceed to Question No. 6.

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QUESTION NO. 6: Was Margarito Edvin Lopez’s negligence a substantial factor in the cause of his death?

YES _____ NO _____

Please proceed to question No. 7.

QUESTION NO. 7: What percentage of negligence do you assign to each of the following persons? (Your total should equal 100%).

Margarito Edvin Lopez _____%

Officer Jose Zavala _____%

Officer Julio Quintanilla _____%

Total 100 %

Please proceed to question No. 8.

QUESTION NO. 8: If you answered “Yes” as to any Defendants in Question No. 1 answer the following question. Otherwise, please proceed to Question No.

10. Did either of the Defendant's conduct violated Margarito Edvin Lopez's state civil rights by deliberately using unlawful deadly force against him?

Answer (check "Yes" or "No") following the name of each Defendant for whom you answered "Yes" in response to Question No. 1:

OFFICER JOSE ZAVALA YES _____ NO _____

OFFICER JULIO QUINTANILLA YES _____ NO _____

If you answered "No" as to each Defendant, please proceed to Question No. 10.

If you answered "Yes" as to any Defendant, please proceed to Question No. 9.

QUESTION NO. 9: If you answered "Yes" as to any Defendant in Question No. 8, were either of the Defendant's conduct a substantial factor in the cause of death to Margarito Edvin Lopez?

Answer (check "Yes" or "No") following the name of each Defendant for whom you answered "Yes" in response to Question Nos. 1:

OFFICER JOSE ZAVALA YES _____ NO _____

OFFICER JULIO QUINTANILLA YES _____ NO _____

Please proceed to Question No. 10.

CLAIMS BASED ON ALLEGED INTERFERENCE WITH A FAMILIAL RELATIONSHIP

QUESTION NO. 10: If you answered "Yes" in Question Nos. 1 and 2, answer the following question. If you answered "No", please proceed to Question No.

12. Did either of the Defendants violate Plaintiff Margarito T. Lopez's

Fourteenth Amendment Constitutional Rights to a parental relationship with Margarito Edvin Lopez by using deadly force against that was unrelated to legitimate law enforcement objectives?

Answer (check "Yes" or "No") following the name of each Defendant for whom you answered "Yes" in response to Question Nos. 1 and 2:

OFFICER JOSE ZAVALA YES _____ NO _____

OFFICER JULIO QUINTANILLA YES _____ NO _____

If you answered "No" as to each Defendant, please proceed to Question No. 12.

If you answered "Yes" as to any Defendant, please proceed to Question No. 11.

QUESTION NO. 11: If you answered "Yes" as to either Defendant in Question No. 10, was either of the Defendant's conduct the cause of injury to him?

Answer (check "Yes" or "No") following the name of each Defendant for whom you answered "Yes" in response to Question No. 10:

OFFICER JOSE ZAVALA YES _____ NO _____

OFFICER JULIO QUINTANILLA YES _____ NO _____

Please proceed to Question No. 12.

CLAIMS BASED ON ALLEGED EMOTIONAL DISTRESS

Answer Questions No. 12 through 27 only if you answered "Yes" to Question Nos. 1 and 2.

If you answered “No” in response to either of those Questions, please have the presiding juror sign and date where indicated below.

QUESTION 12: Was Plaintiff Margarito T. Lopez present at the scene when either of the Defendants deployed their weapons that caused the death Margarito Edvin Lopez?

OFFICER JOSE ZAVALA _____ YES _____ NO

OFFICER JULIO QUINTANILLA _____ YES _____ NO

If you answered “Yes” as to any Defendant, please proceed to Question No. 13.

If you answered “No” as to both Defendants, please proceed to Question 16.

QUESTION 13: Was Margarito T. Lopez then aware that the deployment of either of the Defendants’ weapons was causing the death of Margarito Edvin Lopez?

OFFICER JOSE ZAVALA _____ YES _____ NO

OFFICER JULIO QUINTANILLA _____ YES _____ NO

If you answered “Yes” as to any Defendant, please proceed to Question No. 14.

If you answered “No” as to both Defendants, please proceed to Question No. 16.

QUESTION 14: Has Margarito T. Lopez suffered serious emotional distress?

YES _____ NO _____

If you answered "Yes" as to any Defendant, please proceed to Question No. 15.

If you answered "No" as to both Defendants, please proceed to Question No. 16.

QUESTION 15: Was either of the Defendants' conduct was a substantial factor in causing Margarito T. Lopez's emotional distress?

OFFICER JOSE ZAVALA _____ YES _____ NO

OFFICER JULIO QUINTANILLA _____ YES _____ NO

Please proceed to the next Question.

QUESTION 16: Was Sonia Torres present of the scene when either of the Defendants deployed their weapons that caused the death Margarito Edvin Lopez?

OFFICER JOSE ZAVALA _____ YES _____ NO

OFFICER JULIO QUINTANILLA _____ YES _____ NO

If you answered "Yes" as to any Defendant, please proceed to Question No. 17.

If you answered "No" as to both Defendants, please proceed to Question No. 20.

QUESTION 17: Was Sonia Torres then aware that the deployment of either of the Defendants' weapons was causing the death of Margarito Edvin Lopez?

OFFICER JOSE ZAVALA _____ YES _____ NO

OFFICER JULIO QUINTANILLA _____ YES _____ NO

If you answered "Yes" as to any Defendant, please proceed to Question No. 18.

If you answered "No" as to both Defendants, please proceed to Question No. 20.

QUESTION 18: Has Sonia Torres suffered serious emotional distress?

YES _____ NO _____

If you answered "Yes" as to any Defendant, please proceed to Question No. 19.

If you answered "No" as to both Defendants, please proceed to Question No. 20.

QUESTION 19: Was either of the Defendants' conduct was a substantial factor in causing Sonia Torres' emotional distress?

OFFICER JOSE ZAVALA _____ YES _____ NO

OFFICER JULIO QUINTANILLA _____ YES _____ NO

Please proceed to the next Question.

QUESTION 20: Was Keni Lopez present of the scene when either of the Defendants deployed their weapons that caused the death Margarito Edvin Lopez?

OFFICER JOSE ZAVALA _____ YES _____ NO

OFFICER JULIO QUINTANILLA _____ YES _____ NO

If you answered "Yes" as to any Defendant, please proceed to Question No. 21.

If you answered "No" as to both Defendants, please proceed to Question No. 24.

QUESTION 21: Was Keni Lopez then aware that the deployment of either of the Defendants' weapons was causing the death of Margarito Edvin Lopez?

OFFICER JOSE ZAVALA _____ YES _____ NO

OFFICER JULIO QUINTANILLA _____ YES _____ NO

If you answered "Yes" as to any Defendant, please proceed to Question No. 22.

If you answered "No" as to both Defendants, please proceed to Question No. 24.

QUESTION 22: Has Keni Lopez suffered serious emotional distress?

YES _____ NO _____

If you answered "Yes" as to any Defendant, please proceed to Question No. 23.

If you answered "No" as to both Defendants, please proceed to Question No. 24.

QUESTION 23: Was either of the Defendants' conduct a substantial factor in causing Keni Lopez's emotional distress?

OFFICER JOSE ZAVALA _____ YES _____ NO

OFFICER JULIO QUINTANILLA _____ YES _____ NO

Please proceed to the next Question.

QUESTION 24: Was Rosy Lopez present of the scene when either of the Defendants deployed their weapons that caused the death Margarito Edvin Lopez?

OFFICER JOSE ZAVALA _____ YES _____ NO

OFFICER JULIO QUINTANILLA _____ YES _____ NO

If you answered "Yes" as to any Defendant, please proceed to Question No. 25.

If you answered "No" as to both Defendants, please proceeding to Question No. 28.

QUESTION 25: Was Rosy Lopez then aware that the deployment of either of the Defendants' weapons was causing the death of Margarito Edvin Lopez?

OFFICER JOSE ZAVALA _____ YES _____ NO

OFFICER JULIO QUINTANILLA _____ YES _____ NO

If you answered "Yes" as to any Defendant, please proceed to Question No. 26.

If you answered "No" as to both Defendants, please proceeding to Question No. 28.

QUESTION 26: Has Rosy Lopez suffered serious emotional distress?

YES _____ NO _____

If you answered "Yes" as to any Defendant, please proceed to Question No. 27.

If you answered "No" as to both Defendants, please proceeding to Question No. 28.

QUESTION 27: Was either of the Defendants' conduct was a substantial factor in causing Rosy Lopez's emotional distress?

OFFICER JOSE ZAVALA _____ YES _____ NO

OFFICER JULIO QUINTANILLA _____ YES _____ NO

Please proceed to the next Question.

PRELIMINARY QUESTION RE PUNITIVE DAMAGES

QUESTION NO. 28: If you gave any “Yes” responses to Question Nos. 2 and/or 11, please answer the following question. Otherwise, please proceed to Question No. 13. Was Defendant’s conduct malicious, oppressive or in reckless disregard of Margarito Edvin Lopez’s rights?

Answer (check “Yes” or “No”) following the name of each Defendant for whom you answered “Yes” in response to Question Nos. 2 and/or 11:

OFFICER JOSE ZAVALA _____ YES _____ NO

OFFICER JULIO QUINTANILLA _____ YES _____ NO

Please proceed to the next Question.

QUESTION NO. 29: Was Defendant’s conduct malicious or oppressive towards Margarito Edvin Lopez?

Answer (check “Yes” or “No”) following the name of each Defendant for whom you answered “Yes” in response to Question No. 9:

OFFICER JOSE ZAVALA YES _____ NO _____

OFFICER JULIO QUINTANILLA YES _____ NO _____

If you answered “Yes” as to any Defendant in Question No. 9, please answer Question No. 14. If you did not answer Question No. 9 or answered “No” as to each Defendant in Question No. 9, please sign and date this verdict form and return it to the Court.

Please date and sign this verdict form, and return it to the Court. Thank you.

Dated: _____

Signed: _____

Jury Foreperson

PHASE II -- DAMAGES

QUESTION NO. 30: If you answered “Yes” as to any Defendant in Question Nos. 1 and 2, please answer the following. Otherwise, please proceed to Question No. 31.

What is the total amount of damages suffered by Margarito Edwin Lopez for violation of his federal constitutional rights? (Do NOT reduce the damages based on the fault if any of any person or entity.) \$_____

Please proceed to Question No. 31.

QUESTION NO. 31: If you answered “Yes” as to any Defendant in Question Nos. 1, 2, 8 and 9, please answer the following question. Otherwise, please proceed to Question No. 32. What is the total amount of damages suffered by Margarito Edvin Lopez for violation of his state constitutional rights? (Do NOT reduce the damages based on the fault if any of any person or entity.)

\$ _____

Please proceed to Question No. 32.

QUESTION NO. 32: If you answered “Yes” to Question Nos. 1, 2, 10 and 11, please answer the following questions. Otherwise, please proceed to Question No. 32. What is the total amount of damages suffered by Plaintiff Margarito T. Lopez for violation of his federal constitutional right to a parental relationship with Margarito Edvin Lopez? (Do NOT reduce the damages based on the fault if any of any person or entity.) \$ _____

Please proceed to Question No. 33.

QUESTION NO. 33: If you answered “Yes” to Question Nos. 3 and/or 5, please answer the following question. Otherwise, please proceed to Question No. 34. What is the total amount of damages suffered by Plaintiffs for their state law claims based on the wrongful death of Margarito Edvin Lopez? (Do NOT reduce the damages based on the fault if any of any person or entity.)

Economic \$ _____

Non-economic \$ _____

Please proceed to Question No. 34.

QUESTION NO. 34: If you answered “Yes” to Question Nos. 12, 13, 14, *and* 15, please answer the following question. Otherwise, please proceed to Question No. 35.

What is the total amount of damages suffered by Margarito T. Lopez for his state law claims based on emotional distress? (Do NOT reduce the damages based on the fault if any of any person or entity.)

Economic \$ _____

Non-economic \$ _____

Please proceed to Question No. 35.

QUESTION NO. 35: I If you answered “Yes” to Question Nos. 16, 17, 18, *and* 19, please answer the following question. Otherwise, please proceed to Question No. 36.

What is the total amount of damages suffered by Sonia Torres for her state law claims based on emotional distress? (Do NOT reduce the damages based on the fault if any of any person or entity.)

Economic \$ _____

Non-economic \$ _____

Please proceed to Question No. 36.

QUESTION NO. 36: If you answered “Yes” to Question Nos. 20, 21, 22, *and* 23, please answer the following question. Otherwise, please proceed to Question No. 37.

What is the total amount of damages suffered by Keni Lopez for his state law claims based on emotional distress? (Do NOT reduce the damages based on the fault if any of any person or entity.)

Economic \$ _____

Non-economic \$ _____

Please proceed to Question No. 37.

QUESTION NO. 37: If you answered “Yes” to Question Nos. 24, 25, 26, *and* 27, please answer the following question. Otherwise, please proceed to Question No. 38.

What is the total amount of damages suffered by Rosy Lopez for her state law claims based on emotional distress? (Do NOT reduce the damages based on the fault if any of any person or entity.)

Economic \$ _____

Non-economic \$ _____

Please proceed to Question No. 38.

QUESTION NO. 38: If you gave any “Yes” as to any Defendant in response to Question No. 28, please answer the following question. Otherwise, please sign and date this verdict form and return it to the Court. What is the total amount of punitive damages to be imposed against the Defendant?

Answer following the name of each Defendant for whom you answered “Yes” in response to Question No. 28.

OFFICER JOSE ZAVALA \$_____

OFFICER JULIO QUINTANILLA \$_____

QUESTION NO. 39: If you gave any “Yes” as to any Defendant in response to Question No. 29, please answer the following question. Otherwise, please sign and date this verdict form and return it to the Court. What is the total amount of punitive damages to be imposed against the Defendant?

Answer following the name of each Defendant for whom you answered “Yes” in response to Question No. 29.

OFFICER JOSE ZAVALA \$_____

OFFICER JULIO QUINTANILLA \$_____

Please date and sign this verdict form, and return it to the Court. Thank you.

Dated: _____

Signed: _____

Jury Foreperson

Please date and sign this verdict form below, and return it to the Court. Thank you.

Dated: _____ Signed: _____

Jury Foreperson

PLAINTIFF'S OBJECTIONS TO DEFENDANTS' VERDICT FORM

Plaintiffs object to Defendants' inclusion of the word "unlawful" in Question 1 and Question 8 of Defendants' verdict form, which implies a criminal standard. The question here is not whether Defendants engaged in criminal conduct, but Defendants' use of the word "unlawful" indicates otherwise and would confuse the jury and prejudice Plaintiff because the jurors are likely to believe that they cannot render a verdict in Plaintiff's favor unless Plaintiffs prove that Defendants' conduct was contrary to criminal law.

Plaintiffs further object to Defendants' Question No. 8 as confusing in addition to providing the incorrect standard. This appears to apply to the Bane Act claim but does not refer to his state civil rights or the requisite "reckless disregard" standard on this claim.

Plaintiffs object to inclusion of the term "substantial factor" within the applicable causation questions. The jury will be appropriately instructed on causation. Reiterating the standard of causation in each causation question on the verdict form is confusing and may mislead the jury into thinking that a higher standard of causation is necessary. Here, it is undisputed that the gunshots caused Mr. Lopez's death.

Plaintiffs object to the language "unrelated to legitimate law enforcement objectives" in Defendants' Question No. 10. The jury will need to decide whether the "deliberate indifference" or "purpose to harm" standard applies to the facts of this case. The verdict form cannot presuppose that the officers did not have time to deliberate. Therefore, Defendants' version of the Fourteenth Amendment question does not accurately represent the law and is prejudicial against Plaintiffs.

Plaintiffs object to Defendants' proposal that the instructions on damages be given in a separate phase. Plaintiffs propose that the trial of this matter be conducted as

1 follows: Phase I—liability and compensatory damages, as well as entitlement to
2 punitive damages; Phase II—amount of punitive damages, if any. Plaintiffs are
3 agreeable to the predicate question on punitive damages being given in the first phase of
4 trial and contends that the questions on compensatory damages be given in the first
5 phase of trial.

6 Plaintiffs object to Defendants' verdict form in its entirety on the grounds that it
7 is convoluted and difficult for the jury to follow. This may result in prejudice to
8 Plaintiffs by forcing the jury to labor through a lengthy, tedious and confusing verdict
9 form.
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DEFENDANTS' OBJECTIONS TO PLAINTIFFS' VERDICT FORM

Defendants' verdict form tracks the language of the elements of Plaintiffs' claims, based on their contemporaneously-filed jury instruction. Defendants incorporate herein the arguments and positions taken as provided in the jury instructions and other contemporaneously-filed documents.

Further, Plaintiffs' position regarding inclusion of the legal term 'substantial factor' is without merit; 'substantial factor' is more than an evidentiary standard on which the jury will be instructed – it is an essential element of the claim to prove various of Plaintiffs' causes of action. As such, the verdict form must include the same.

Defendants maintain that the purpose-to-harm standard is applicable to the facts of the instant matter, and that the case be bifurcated between liability and damages in their entirety.

Lastly, that the verdict form is lengthy is not an appropriate reason to object to the form, as it is based fully on the many claims Plaintiffs have asserted in this action.